

REMARKS

Claims 18, 21-34, 36-44 and 50 remain in the application for consideration. In view of the following remarks, Applicant traverses the Office's rejections and respectfully requests that the application be forwarded on to issuance.

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Statement of Substance of Examiner Interview dated 1/28/2008

Applicant would like to sincerely thank Examiner Thu V. Huynh for her time in discussing this application over the phone on 1/28/2008.

During this interview, the §103 rejections based on Bell and Paoli were discussed. Regarding the §103 rejections, Applicant's attorney submitted that Bell and Paoli are disqualified under 35 U.S.C. §103(c). Examiner Thu V. Huynh agreed that the Bell and Paoli references should be disqualified and suggested that Applicant submit a response to the Office Action to disqualify the references. Examiner Thu V. Huynh indicated that the case was in condition for allowance, subject to an updated search.

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Accordingly, the Applicant submits that all of the pending claims are in condition for allowance. If any issues remain that would prevent the allowance of the application, Applicant requests that the Examiner contact the undersigned attorney to resolve the issues.

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35 U.S.C. §103 Rejections

Claims 18, 21, 24, 27-30,36-41,44 and 50 stand rejected under 35 U.S.C. §103(a) as being unpatenable over U.S. Patent No. 7,168,034 (“Bell) in view of U.S. Patent Publication No. 2004/0268229 (“Paoli”)

5 Claims 22-23, 31-34 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell in view of Paoli and in further in view of U.S. Patent Publication No. 2003/0018668 (“Britton”). Applicant respectfully disagrees.

However, both of Bell and Paoli are disqualified as prior art in accordance with 35 U.S.C. §103(c)(1). 35 U.S.C. §103(c)(1) states: “Subject matter
10 developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” *See MPEP §2146.*

15 Applicant asserts that both of Bell and Paoli are disqualified as a prior art reference against the subject Application under 35 U.S.C. §103(c)(1) as being commonly owned by, or subject to an obligation of assignment to, Microsoft Corporation, the assignee of the subject Application. Accordingly, Bell and Paoli are disqualified as prior art and withdrawal of the rejections is respectfully
20 requested.

Conclusion

The Application is in condition for allowance and the Applicant respectfully requests reconsideration and issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is requested to contact the undersigned attorney to discuss the unresolved issue.

Respectfully submitted,

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